

Department: Community Development Case #ZC-08-004 Case #SUB-08-002 Case #PR-08-003	Ordinance No. <u>6003</u> Resolution No. _____ Resolution No. _____	City Council: June 9, 2008 Planning Commission: May 13, 2008
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Orchard Village Subdivision

1. Rezone approximately 8.5 acres in the SE¼ NE¼ of Section 4-74-43 lying west of State Orchard Road from R-3/Low Density Multi-family Residential with a Planned Residential Overlay to C-2 Commercial on proposed Lots 1 and 2.
2. Preliminary plan approval for a four lot subdivision to be known as Orchard Village.
3. Approve the Planned Residential Development Plan for proposed Lots 3 and 4 in Orchard Village.

Background/Discussion

Dial Land Purchasing LLC has an option to purchase approximately 23 acres along the west side of State Orchard Road, north of Greenview Road. They are requesting rezoning and preliminary plan approval for a 4 lot subdivision to be known as Orchard Village. Lots 3 and 4 would house 96 condominium units ranging in price from about \$100,000 for one of the 48 one bedroom units to about \$130,000 for one of the 48 two bedroom units. A 1500 square foot clubhouse with pool is shown. Yard care and exterior maintenance will be included through dues to a homeowner's association. The existing R-3/PR zoning supports the proposed use. Twelve two story, 8-unit condominium structures, each with 8 side loading garages will be built in two phases on Lots 3 and 4. Buildings labeled 9 through 12 will be built in Phase 1, with the remainder in the second phase. The Planned Residential Overlay allows for review and approval of design standards, landscaping and signage. Commercial development is proposed for Lots 1 and 2. Dial has requested rezoning to C-2 to support commercial use on Lots 1 and 2. The applicant wishes to start construction soon after final approval is received. Construction for the commercial site, including parking and utility installation will start when retail users are identified.

Rezoning - The entire 23 acre tract and much of the land to the west are zoned R-3/Low Density Multi-family Residential with a PR/Planned Residential Overlay. The existing zoning would allow commercial use on 16% of the developable area. Since the commercial area exceeds that percentage Dial is requesting rezoning to C-2 Commercial for approximately 8.5 acres which includes Lots 1 and 2 and Outlot 'A' in the southwest portion of the property. The current zoning became effective when the land was annexed along with the abutting undeveloped land to the west and Briarwood Subdivision in 2000. At that time, the Community Development Department recommended the R-3/PR zoning to allow flexibility for future development. Neighborhood commercial development along with multi-family residential uses are compatible with the nearby residential use. At the request of Tweedt Engineering, owner of the land to the west, a 150' by 250' parcel was rezoned from R-3/PR to C-2 Commercial in 2003 for a contractor's shop, limited to a 20-year period. Glen Oaks Townhomes are located west of that land. Briarwood Subdivision, zoned R-1/Single Family Residential, lies to the north. One parcel at the intersection of State Orchard and Greenview was annexed and rezoned to R-1 in 2005. Single family dwellings and agricultural land outside of the City lie to the south and east. Approximately 250' of the proposed commercial zoning abuts the undeveloped land to the west. The closest residential uses abut the existing R-3/PR zoning. There is a 60' wide drainage easement to provide a buffer along the west side. The existing tree line is not on this property and will not be removed for construction of the land. The rezoning is consistent with the intent of the 1994 Comprehensive Plan. Zoning is shown on the attached map.

Neighborhood Response – The following property owners have contacted the department with concerns or to request additional information. Attachment 'B' contains a letter and petition signed by 56 individuals and an email.

1. Marie Larchick & Arthur Haney, 125 Glen Oaks Drive
2. Audrey Hedlund, 125 Glen Oaks Drive
3. Glenn Smith, 615 Redwood Drive
4. Tyler O' Brien, 729 Redwood Dr.
5. Ralph O'Donnell, 20570 Greenview Dr.

6. Dale Ward, 131 Glen Oaks Drive, concerned that the unit prices are not comparable with the surrounding home prices.
7. Kris A. Chelf, 707 Redwood Dr., email.
8. Rita Willmott, email.

Preliminary Plan – The subdivision abuts State Orchard Road, which will be widened in the future. The final alignment will be based on completion of an environmental impact statement. Certain constraints on the east side will likely direct the new roadway to the west side. Public Works is requesting 75' of right-of-way to assure that adequate land is available for the new alignment. The area is shown as Outlot 'B'. The ultimate width of the right-of-way at this location is 141' including 33' from the existing centerline of State Orchard Road. The new alignment will connect to Eastern Hills Drive (the eastern beltway) through the Hills of Cedar Creek to the north and east and allow for a 74' wide roadway. The land cannot be built upon and will be dedicated to the City for roadway purposes with the final plat of the subdivision. Public Works agrees to the location of the entrance along State Orchard Road. No other access to the subdivision is permitted from State Orchard or from Greenview. Cross access easements between Lots 1 and 2 are required. The streets in the subdivision will be private within 50' or 60' wide easements as shown on the site plan and built to City standards. The proposed streets meet the minimum standards for material, cross sections and profile. Roadway will connect Tipton in Briarwood to the new subdivision. Two potential street connections were platted with the Briarwood Subdivision. Belmont Circle (37' wide) will extend northwesterly within a 60' wide easement, ending in a cul-de-sac. Due to the elevation change, the roadway will not connect to Belmont Drive in Briarwood. Tipton is a 26' wide, curbed and guttered road lying on 50' wide easement. Tipton Drive will connect to the existing Tipton Drive in Briarwood. Water, sanitary and storm sewer designed to City standards are required and shown on the attachments.

A storm water management system has been designed to retain up to a 100-year storm event under developed conditions and release it at a level of the predeveloped 5-year peak runoff. Storm drainage is directed from curb inlets as shown and into the detention basin in Outlot 'A'. The existing 60' wide drainage easement will remain. Public Works has reviewed and concurs with the calculations in the storm water detention analysis. The capacity of the detention basin will need to be increased which may result in a change to the area shown as Lot 1. The detention basin must be contained within the private property and not extend into public right-of-way. The sanitary sewer will connect to the system in State Orchard Road. Two taps are shown. Public Works asks for one sewer connection at the southerly end to minimize roadway reconstruction demands for the connections. A sewer tap fee for this land based on the benefited area was adopted when Briarwood was subdivided.

The City requires a grading plan, with grading surety bond consistent with an approved preliminary plan and development plan. The Iowa Department of Natural Resources (IDNR) requires a storm water pollution prevention plan prior to any grading on the site. A complete erosion and sediment control plan showing both temporary and permanent measures is subject to review and approval by the Public Works Department to assure a stable site during grading/construction and afterwards. The preliminary soils report indicates the soils are suitable for the proposed uses.

Sidewalks constructed to City standards are required along all frontages of the private roads. The developer shall install privately owned and maintained streetlights at spacing to meet City standards.

Utilities are accessible with adequate capacity to serve the proposed uses. The developer will be responsible for all costs for extending or relocating electric facilities and provide to MidAmerican Energy all applicable easements to the utility at no cost. Aquila has gas main in both State Orchard and Greenview Roads which can be extended to serve the subdivision. The water lines will be private with two connections to the main in State Orchard Road. An additional line will extend north through the Tipton Drive right-of-way to connect to existing lines. A main extension agreement is not needed but construction must meet Water Works standards with connection fees required and the lines sized to accommodate commercial needs. A resilient coated wedge with a swing check valve is need at the 3 system connections. Service lines in permanent easements will serve each building with a shut-off valve at each building. Private water lines and fire hydrants must be installed consistent with the fire safety and Water Works standards.

All lighting shall be directed away from neighboring residential properties and from the vision of motorists and pedestrians as noted in Section 15.24 of the Municipal Code.

Parking as shown is adequate to meet the commercial off-street parking requirements. Two off-street parking spaces are required for each of the 96 townhouse units. Additional parking is required for the clubhouse. Eight garages are attached to each eight-plex building. Eight spaces are also located in front of each building except for Buildings 7 and 8.

Planned Residential Development Plan Review – The applicant intends to sell each of the 96 units separately as condominiums/townhouse units. Building codes require additional fire separation between all walls for the units to be sold individually.

Two parking spaces are required for each townhouse unit. Eight garages are attached to each eight unit building with eight spaces along the front, except for Buildings 7 and 8. The front parking area was removed due to concern for safety when backing into the private street with traffic going into and out of the commercial area along that portion of Belmont Circle. Eight spaces have been added along Tipton to serve Building 7. Additional parking is also required for the clubhouse/pool. Eighteen spaces are shown. Additional required parking can be created by eliminating the space as shown along the street, moving the two buildings closer to the street and adding parking adjacent to Buildings 7 and 8. Signage shall be limited to one detached monument sign at the entrance drive, not to exceed 6 feet in height. A double-faced sign is permitted.

Recommendation

The Community Development Department recommends:

1. Approve the rezoning of proposed Lots 1 and 2 and Outlot A, extending to the centerline of the adjacent public roadway, from R-3/Low Density Multi-family Residential to C-2 Commercial for the reasons identified above.
2. Approve the preliminary plan for a subdivision to be known as Orchard Village, subject to the following notes and conditions:
 - a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).
 - b. The proposed subdivision is consistent with the purpose and intent of the Subdivision and Zoning Ordinances. Each lot exceeds the minimum lot area required in an R-3 or C-2 Commercial District. All of the proposed lots have direct access to public street right-of-way.
 - c. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. These improvements include sanitary and storm sewer connections to the 23.1 acre parcel. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. Final sizing and locating the detention basin is part of the construction drawing process. All applicable permits necessary to meet local state and federal requirements shall be the developer's responsibility.
 - d. In addition to the 33' wide street dedication shown along the center line of State Orchard Road, the additional 75' wide area shown as Outlot 'B' shall be dedicated to the City for right-of way to allow for the future construction of State Orchard Road.
 - e. An erosion and sediment control and grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
 - f. A sanitary trunk sewer line has been constructed in the State Orchard Road right-of-way. A 'tap-on' fee of

\$1617.37 per acre is payable when a building permit is requested for any lot within the proposed subdivision. (Ordinance No. 5426, dated 10-26-98) Storm sewer and the water main extension will be part of the road construction project. Utilities can be extended with sufficient capacity to serve the proposed development. The developer bears the costs to extend the services to the subdivision and to each lot.

- g. The private roadways will be built to City standards. Access to State Orchard Road is limited to the one entrance shown as Belmont Circle on the plat. The overall street layout and both the vertical and horizontal alignments are consistent with Public Works standards.
 - h. Arrangements shall be completed with the Council Bluffs Water Works to extend water lines to serve each lot with capacity suitable for each use.
 - i. Permanent access easements shall be noted on the final plat and the maintenance agreement for the private drives shall be executed with responsibilities and funding defined and recorded concurrently.
 - j. All utilities shall be installed underground, with costs borne by the developer. The developer shall maintain all clearances from existing electric facilities and pay all costs associated with extending or relocating any facilities. Based upon the route determined by MidAmerican Energy, the developer shall install the conduit system and provide the appropriate easements.
 - k. Fire hydrants are required with a maximum spacing of 400' apart.
 - l. Sidewalk shall be built at no expense to the City, along the frontage of each lot abutting the private roadway when the streets are constructed. Sidewalk is not the developer's responsibility along the State Orchard Road right-of-way adjacent to the subdivision, as it will be constructed as part of the State Orchard Road reconstruction project. Potentially a walking/biking trail will be built along the east side of the street.
 - m. Detached signage for the commercially lots shall be limited to one monument sign designed to include the center's name with space for tenant identification. Maximum height from existing grade shall be 6' with total sign area not to exceed 120 square feet per face. Monument sign area is calculated as the total structure. Attached signage will comply with the regulations in the C-2 District.
 - n. Signage shall comply with all applicable city, state and federal regulations. The applicant or an authorized agent shall obtain all necessary sign permits.
 - o. Outside storage is not permitted. Trash enclosures shall be fully enclosed and gated. The enclosures shall be the same or complementary to the color of the buildings.
 - p. An overall landscape plan shall be developed with the final plat, including specifics to buffer and fence the detention pond.
3. Approve the Planned Residential Development Plan for Orchard Village condominiums on Lots 3 and 4 as presented, subject to the following conditions:
- a. In order for these units to be sold individually, each 'townhouse' unit shall be built to comply with the 'dwelling unit separation' requirements as defined in the 2003 International Residential Code. A townhouse is a single family dwelling, constructed in a group of attached units with a zero-setback property line and separated by a 1-hour rated assembly.
 - b. Two off-street parking spaces are required for each unit as well as parking to meet the capacity requirements of the clubhouse.
 - c. Private street lighting shall be installed by the developer at spacing to meet City standards.
 - d. The landscape plan for the R-3/PR area is acceptable. A complete listing of the species, size, location and quantities of all plant material along with the planting schedule shall be presented with the first building permit.
 - e. All landscaped areas shall be included in a site irrigation system presented with the first building permit.
 - f. All plant material and the irrigation system consistent with the approved plan shall be in place prior to issuance of the Certificate of Occupancy for the building.
 - g. One monument sign, maximum height of 4' from existing grade and maximum sign area of 48 square feet per face is permitted. Monument sign area is calculated as the total structure.
 - h. Signage shall comply with all applicable city, state and federal regulations. The applicant or an authorized agent shall obtain all necessary sign permits.
 - i. Outside storage is not permitted. Trash enclosures shall be fully enclosed and gated. The enclosures shall be the same or complementary to the color of the buildings.

Public Hearing

Deb Peterson, 215 S. Main St., Council Bluffs, and Bill O'Connor, Dial Land Purchasing LLC, 11506 Nicholas St. #200, Omaha, NE 68154 appeared before the Planning Commission in favor of the request.

The following appeared before the Planning Commission in opposition:

Marie Larchick, 125 Glen Oaks Dr.

Glenn Smith, 615 Redwood Dr., with petition (see attachment 'C')

Roger Harvey, 20914 Greenview Rd.

Richard Fuerst, 624 Redwood Dr.

Randy Thompson, 1805 Tipton Dr.

Russell Norris, 607 Redwood Dr.

Allen Cohrs, 140 Glen Oaks Dr.

George Megard, 139 Glen Oaks Dr.

Planning Commission Recommendation

The Planning Commission recommends: 1) Rezone proposed Lots 1, 2, and Outlot A, extending to the centerline of the adjacent public roadway from R-3/Low Density Multi-family Residential to C-2 Commercial with further limitations to the C-2 uses as refined in conjunction with the applicant prior to the public hearing. 2) Approve the preliminary plan for a subdivision to be known as Orchard Village, subject to the notes and conditions cited in the staff report. 3) Approve the Planned Residential Development Plan for Orchard Village condominiums subject to the conditions in the staff report.

VOTE: Aye 8 Nay 1 Abstain 1 Absent 1 Motion carried.

Attachments: Zoning Map, Attachment 'A', Attachment 'B' and Attachment 'C'.

Applicant: Dial Land Purchasing LLC, Bill O'Connor, 11506 Nicholas St. #200, Omaha, NE 68154

Owner: George T. Jacobs, 404 Fawn Park Circle, Council Bluffs, IA 51503

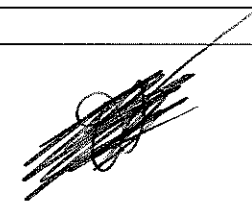
Representative: Deborah Petersen, 215 So Main, Council Bluffs, IA 51503

Engineer: Design Engineering and Assoc., Larry Hagwood, 9749 So 175th Circle, Omaha, NE 68136

Architect: TSP, Larry McChesney, AIA, 9802 Nicholas St., Suite 205, Omaha, NE 68114-2167

Prepared by: Gayle M. Malmquist, Development Services Coordinator

Approved by: Donald D. Gross, Director, Community Development Department



Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 6003

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED ALONG THE WEST SIDE OF STATE ORCHARD ROAD, NORTH OF GREENVIEW ROAD, IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL WITH A PLANNED RESIDENTIAL OVERLAY TO C-2/COMMERCIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.10 AND 15.15 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located along the west side of State Orchard Road, north of Greenview Road, as shown on the Attachments, and legally described as follows:

8.5 acres in the SE ¼ NE ¼ of Section 4-74-43, Council Bluffs, Pottawattamie County, Iowa,

from its present designation as R-3/Low Density Multi-family Residential with a Planned

Residential Overlay to C-2/Commercial as set forth and defined in Chapters 15.10 and 15.15 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

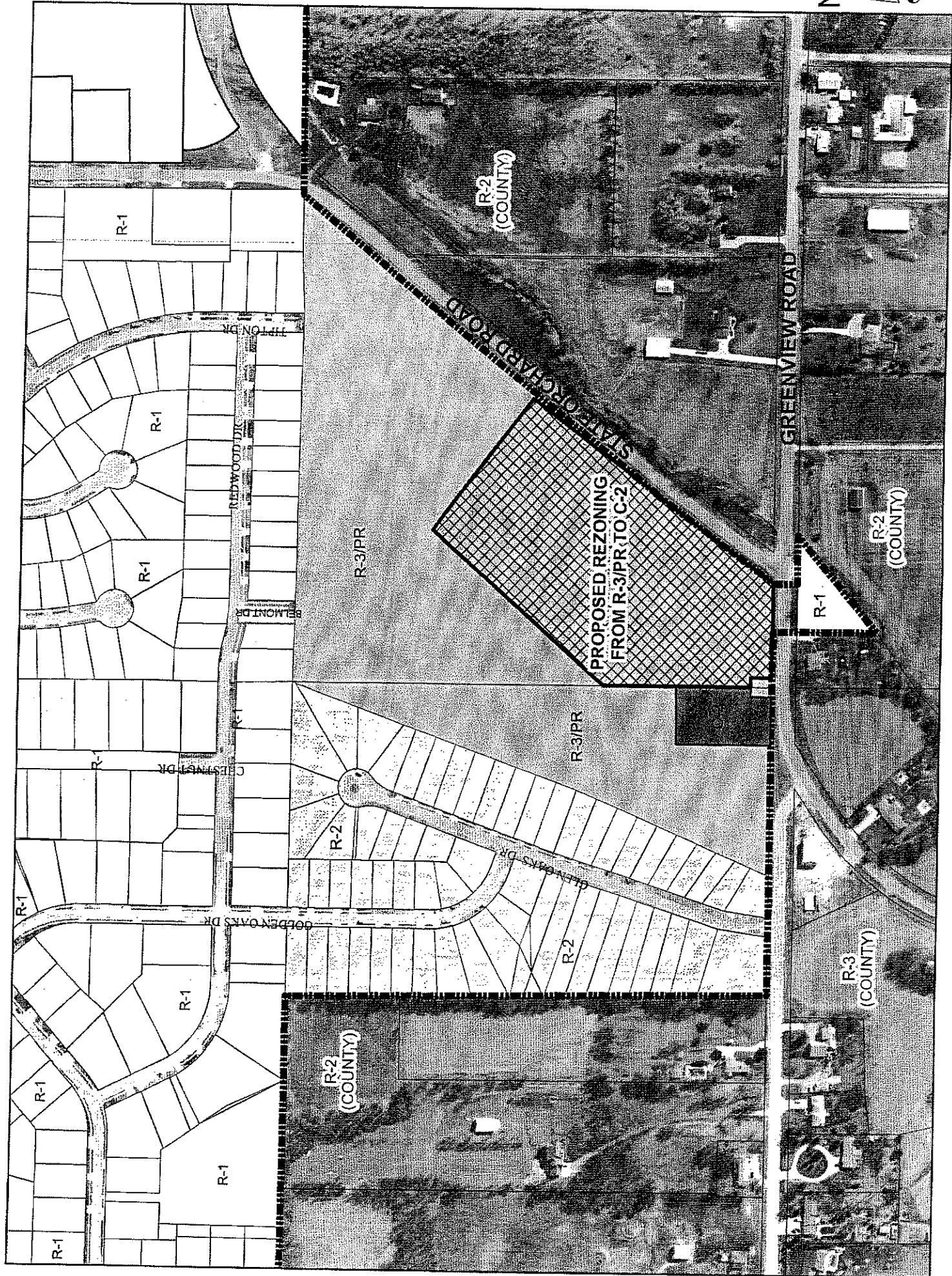
FIRST CONSIDERATION: June 9, 2008

SECOND CONSIDERATION: _____

PUBLIC HEARING: _____

THIRD CONSIDERATION: _____

Planning Case No. ZC-08-004



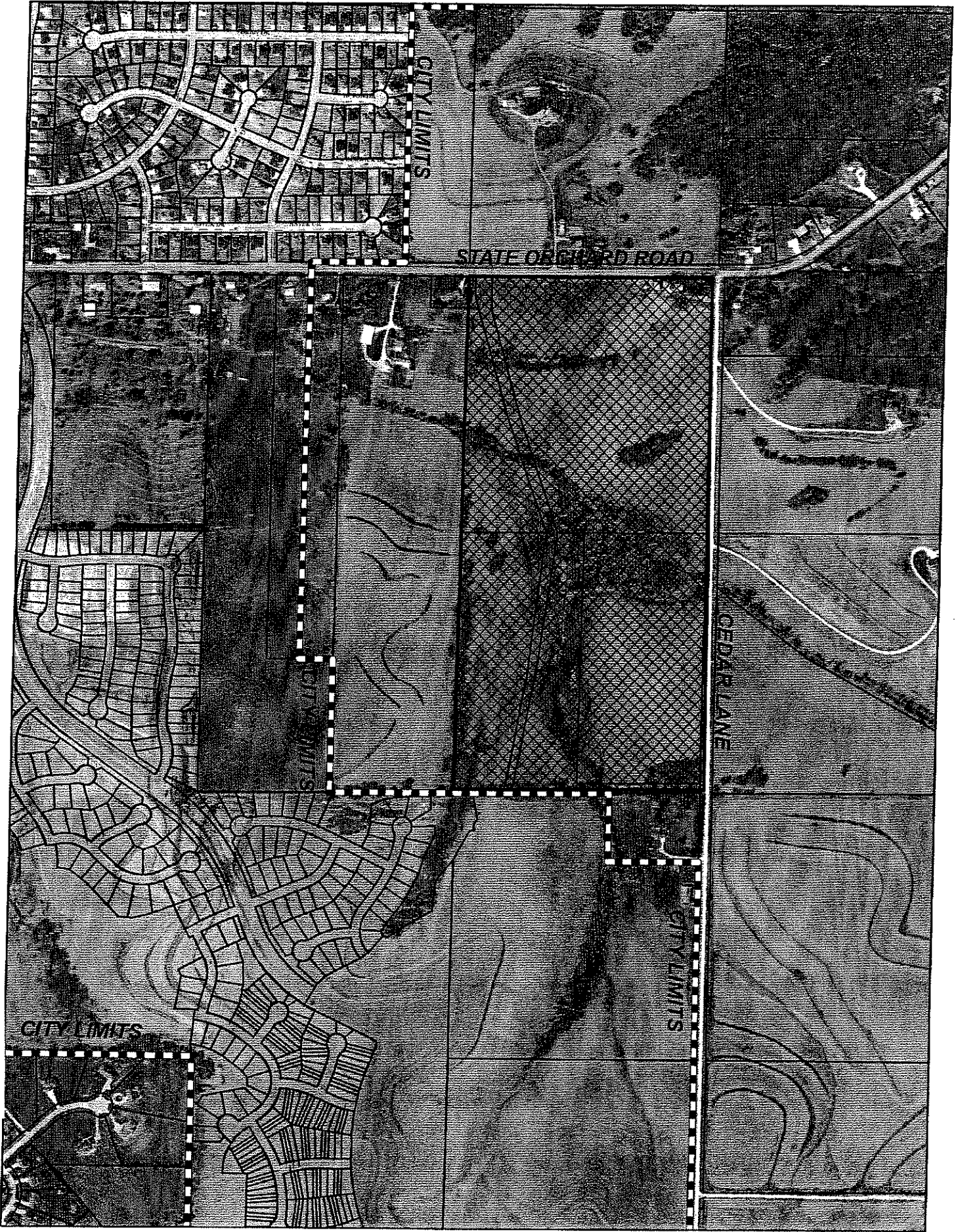


EXHIBIT 'A'

Project No. EGA021243

Date: 8/20/07

DESCRIPTION & SKETCH

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF
COMMENCEMENT
N.W. CORNER OF
S.W. QUARTER OF
34--T75N-R43W
POTTAWATTAMIE
C.O. IOWA

COMMENCE AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 34; THENCE SOUTH 01°47'09" WEST ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 407.32 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°36'56" EAST, A DISTANCE OF 236.45 FEET; THENCE NORTH 79°16'01" EAST, A DISTANCE OF 67.10 FEET; THENCE NORTH 83°14'26" EAST, A DISTANCE OF 251.57 FEET; THENCE SOUTH 77°12'23" EAST, A DISTANCE OF 64.26 FEET; THENCE SOUTH 19°53'21" EAST, A DISTANCE OF 97.32 FEET; THENCE SOUTH 13°53'32" EAST, A DISTANCE OF 105.26 FEET; THENCE SOUTH 16°49'11" EAST, A DISTANCE OF 58.81 FEET; THENCE SOUTH 17°16'31" WEST, A DISTANCE OF 95.51 FEET; THENCE SOUTH 08°17'46" WEST, A DISTANCE OF 81.18 FEET; THENCE SOUTH 05°12'59" EAST, A DISTANCE OF 81.18 FEET; THENCE SOUTH 18°43'45" EAST, A DISTANCE OF 81.18 FEET; THENCE SOUTH 30°59'13" EAST, A DISTANCE OF 71.37 FEET TO A POINT ON THE PROPOSED CENTER LINE OF STEVENS ROAD; THENCE SOUTHWESTERLY ALONG SAID PROPOSED CENTER LINE BEING CURVED TO THE RIGHT HAVING A RADIUS OF 1000.00 FEET AND A CENTRAL ANGLE OF 32°31'34"; AN ARC DISTANCE OF 567.69 FEET (CHORD=560.09', CHORD BEARING=S75°16'33"W) TO A POINT OF TANGENCY; THENCE NORTH 88°27'40" WEST ALONG SAID PROPOSED CENTER LINE, A DISTANCE OF 193.76 FEET TO A POINT ON THE AFORESAID WEST LINE OF SECTION 34; THENCE NORTH 01°47'09" EAST ALONG SAID WEST LINE, A DISTANCE OF 818.44 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 12.537 ACRES, MORE OR LESS.

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407.32

S89°36'56"E
236.45

POINT OF
BEGINNING

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67.10

N83°14'26"E
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S17°16'31"W
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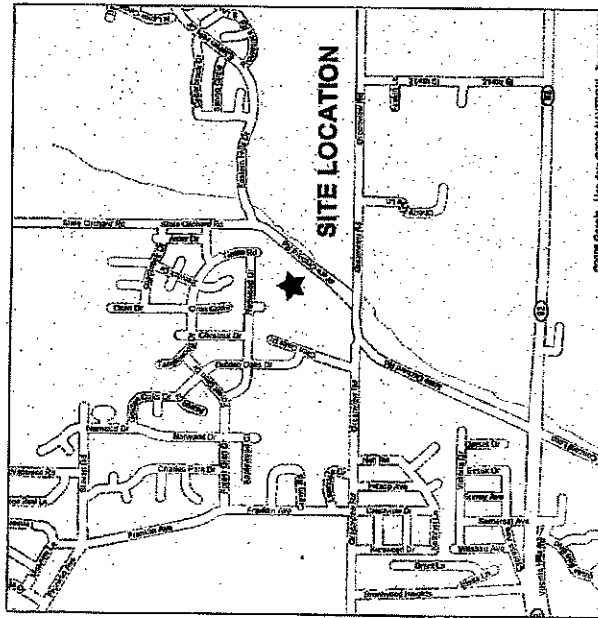
COUNCIL BLUFFS, IOWA

ATTACHMENT A

CASE #ZC-08-004

CASE#SUB-08-002

CASE #PR-08-003



Residential Eight Plex / Two-Story

Unit Mix

Two bed 48

Total Units Phase I 32 Buildings 9 thru 12

Phase I
64 cars

Phase II 132 cars

One-Story (max. ht. 30')

Parking 185 car

Ratio. 5.2/1,000 s.f.

Lot 1

Lot 3

Outlet

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 ১৩৬৪
 ১৩৬৫

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23.1 Acres

VICINITY MAP

SHEET LEGEND

L1	Commercial Landscaping
L2	Residential Landscaping
A1	8 Plex Plan
A2	8 Plex Elevation
A3	Clubhouse Plan & Elevation
Design Engineering and Assoc.	
1	Preliminary Plat.
2	Preliminary Site Plan
3	Preliminary Grading Plan & Utility Plan
4	Preliminary Street Profile

PROJECT TITLE	Orchard Village Council Bluffs, Iowa	
Dial Land Purchasing I.L.O.		
PACKAGES		
DATE	DESCRIPTION	
10/21/1988	ISSUING BILE	
REVISIONS		
DATE	DESCRIPTION	
3/23/88		
4/11/88		
11/29/88	REVISED	
CONTRACT HOLDER #: P700178		
CONSULTANT #:		
DRWN BY:	EW	
CHECK BY:	EW	
SHEET TITLE		
COVER		
SHEET NUMBER		

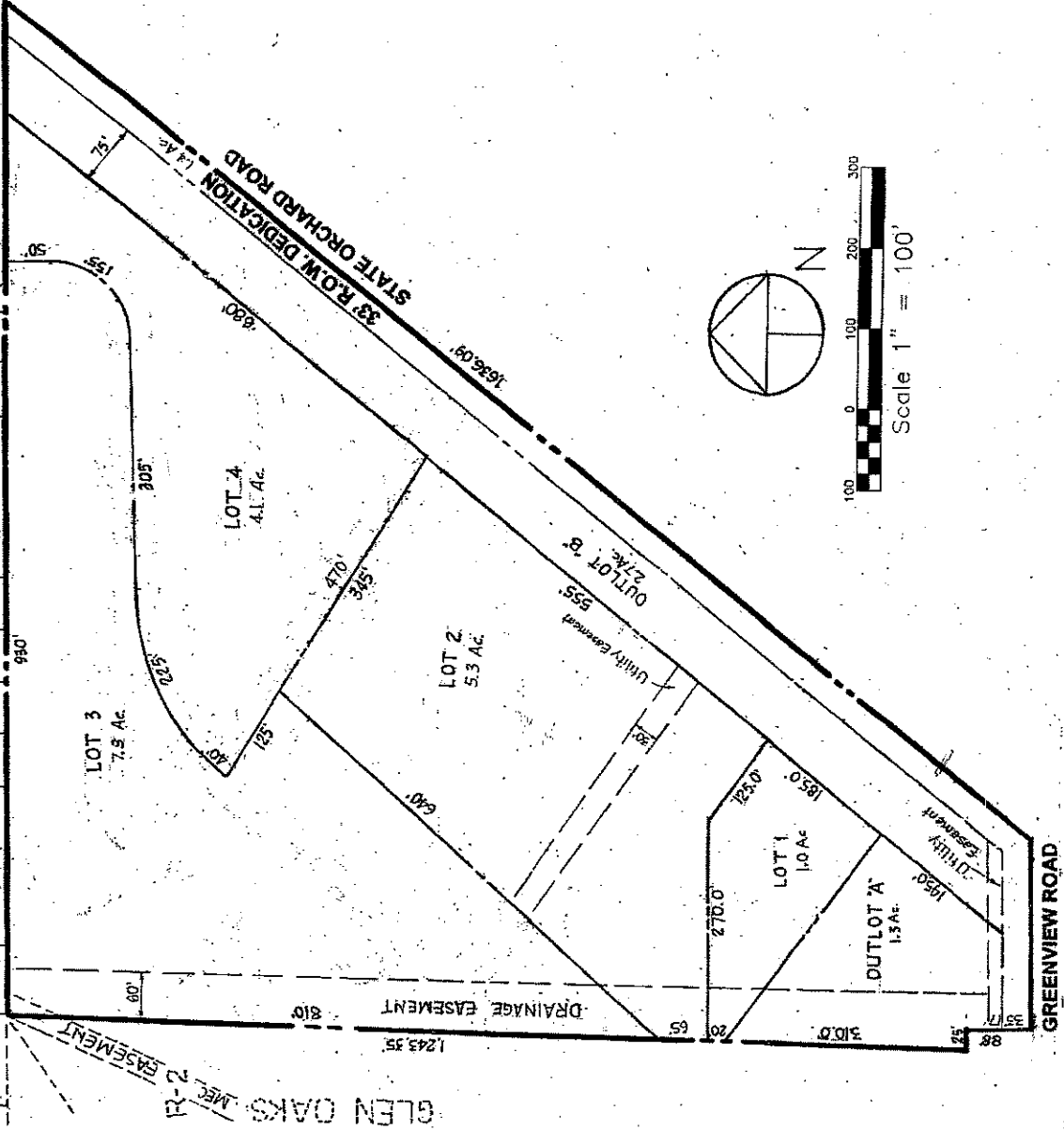
ORCHARD VILLAGE

PRELIMINARY PLAT

BRIARWOOD

REDWOOD DRIVE

25
24
23
22
21
20
19
18
17
16
15
14
13



LEGAL DESCRIPTION

Beginning at the Southeast corner of the Northeast 1/4 of Section 4-74-43, thence N38°51'27"E along the centerline of State Orchard Road a distance of 1,606.39 feet, thence N89°13'21"W a distance of 1,246.53, thence S02°59'17"W a distance of 1,243.35 feet, thence N88°52'38"E a distance of 25 feet, thence S02°59'17"W a distance of 88 feet, thence N88°52'38"E a distance of 262.69 feet to the point of beginning.

OWNER

GEORGE T. JACOBS
404 FAWN PARK CIRCLE
COUNCIL BLUFFS, IOWA, 51503

DEVELOPER

DIAL LAND DEVELOPMENT
11506 NICHOLAS STREET
OMAHA, NE., 68164
402-493-2800

ARCHITECT

TSP
9802 NICHOLAS STREET
OMAHA, NE., 68114-2167
402-493-8997

ENGINEER

DESIGN ENGINEERING AND ASSOC.
9749 SO. 175TH CIRCLE
OMAHA, NE., 68136
402-758-0840

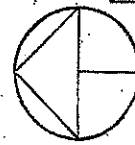
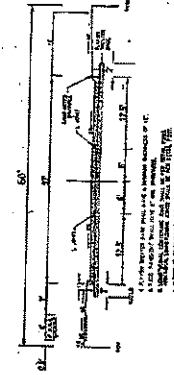
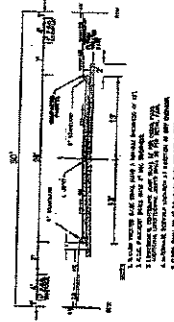
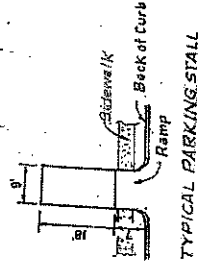
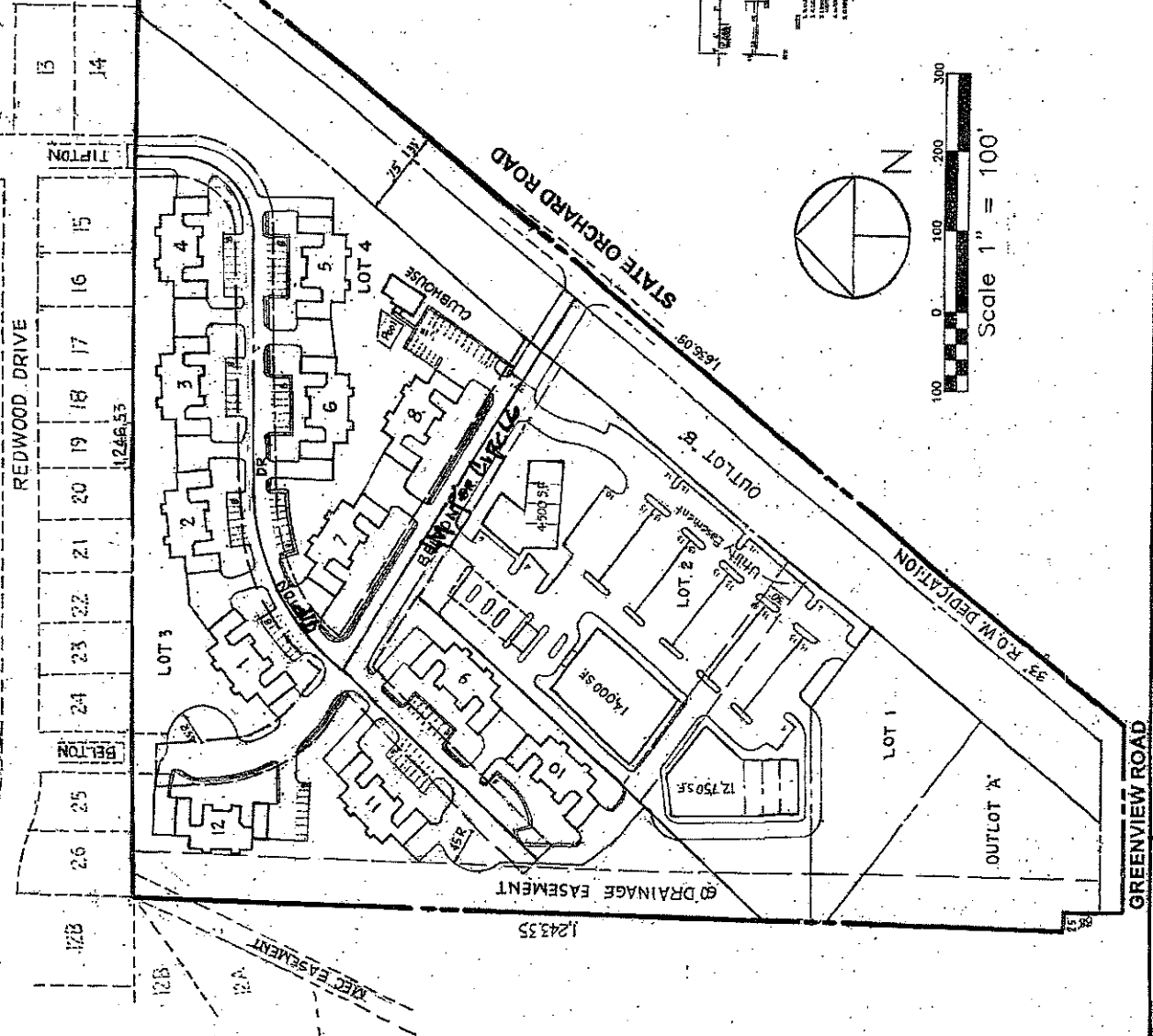
ORCHARD VILLAGE

SCALE: 1"=100'
DATE: 2-11-08
DRAWN BY: [blank]
REVIEWED BY: [blank]

PRELIMINARY PLAT

DESIGN ENGINEERING AND ASSOC.
9749 SOUTH 175TH CIRCLE, OMAHA, NE.
1 of 4

ORCHARD VILLAGE

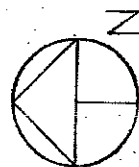


Scale 1" = 100'

ORCHARD VILLAGE			
SCALE: 1"=100'	APPROVED BY:	DRAWN BY:	FOURD: 4-11-08
DATE: 2-25-08			
PRELIMINARY SITE PLAN			
DESIGN ENGINEERING AND ASSOC.			UTLINES NUMBER
9749 SOUTH 175 TH AVENUE, OMAHA, NE			2 of 4

[illegible]

SANITARY SEWER
MANHOLE
WATER MAIN
FIRE HYDRANT
VALVE
STORM SEWER
CURB INLET



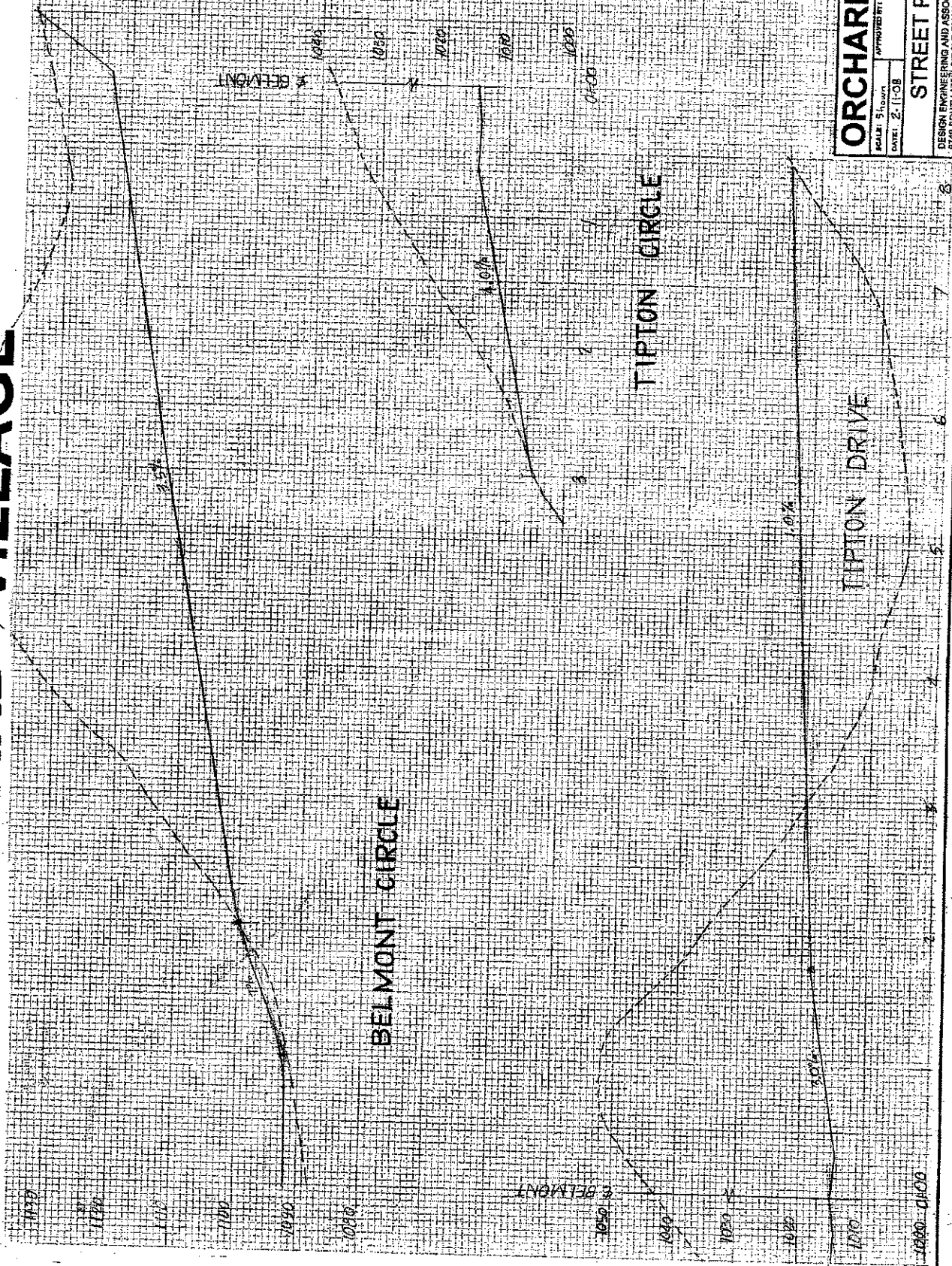
Scale 1" = 100'

ORCHARD VILLAGE

SCALE: 1:100	APPROVED BY:	DATE: 2-11-08	DESIGNED BY:
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PRELIMINARY GRADING AND UTILITY PLAN DESIGN ENGINEERING AND ASSOC. 1749 SOUTH 175 TH STREET, OMAHA, NE.	DRAWING NUMBER
	3 of 4

ORCHARD VILLAGE



ORCHARD VILLAGE	
SCALE: 5' = 1' HORIZ	APPROVED BY:
DATE: 2-11-08	DESIGNED BY:
STREET PROFILE	
DESIGN ENGINEERING AND ASSOC. 9749 SOUTH 175 TH CIRCLE, OMAHA, NE	
DRAWING NUMBER 4 of 4	

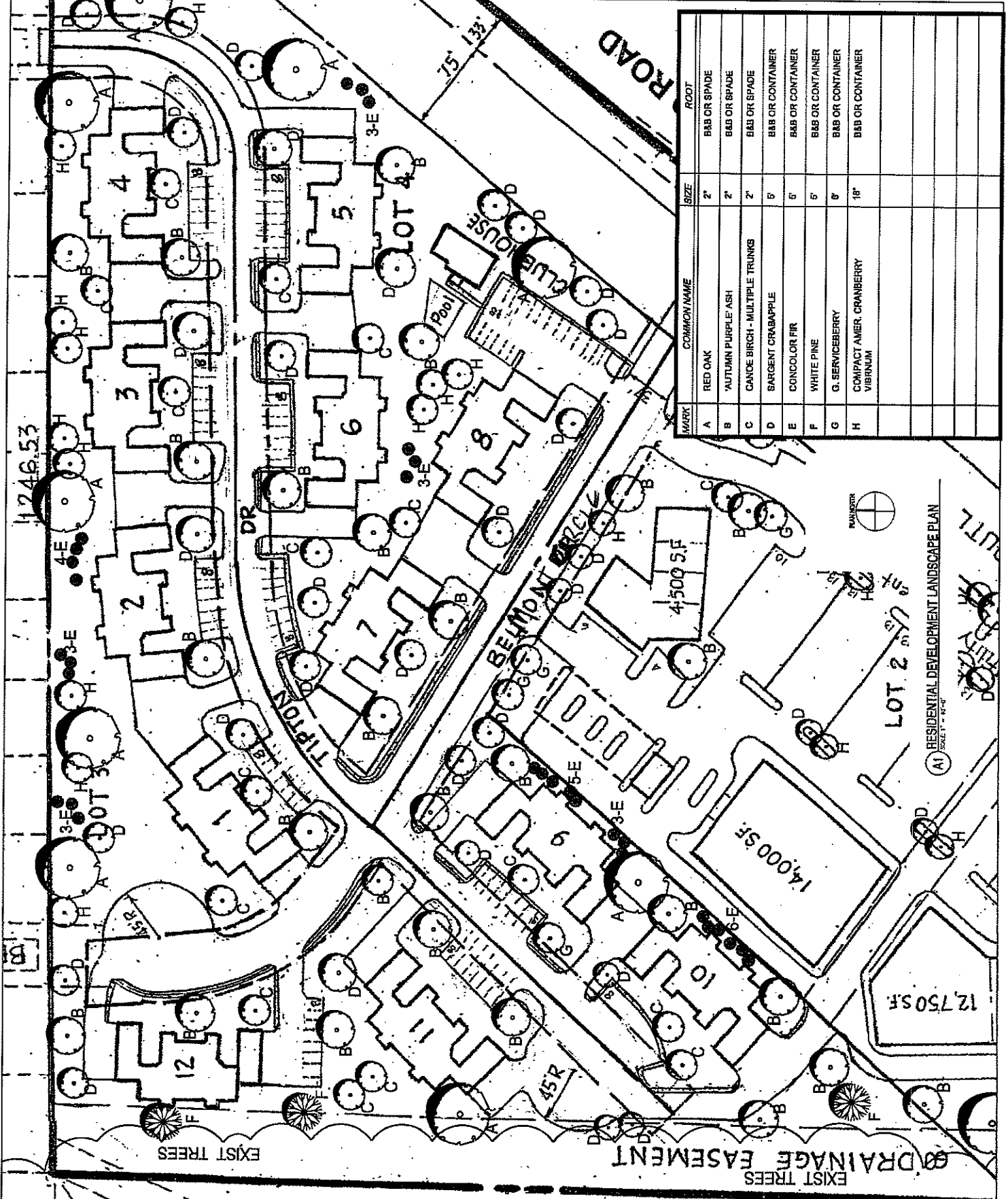
100 N. 1st St.
 Ames, IA 50010
 Phone: (515) 281-1111
 Fax: (515) 281-1112
 www.mpr.com

To Select To Plant, Transcribe

PROJECT TITLE
 Orchard Village
 Council Bluffs, Iowa
 Dial Land Purchasing LLC.

PACKAGES	DATE	DESCRIPTION
	10/27/11	ISSUING ISSUE
REVISIONS	DATE	DESCRIPTION
	11/11/08	REVISED
	11/29/08	REVISED
CONTRACT NO. # - P707078		
CONSULTANT #1		
DRAWN BY: LEW		
CHECK BY: LEW		
SHEET TITLE		
RESIDENTIAL LANDSCAPING		
SHEET NUMBER		
L2		

NOT FOR CONSTRUCTION



RESIDENTIAL DEVELOPMENT LANDSCAPE PLAN
 (A) SCALE 1" = 40'-0"

0189 208

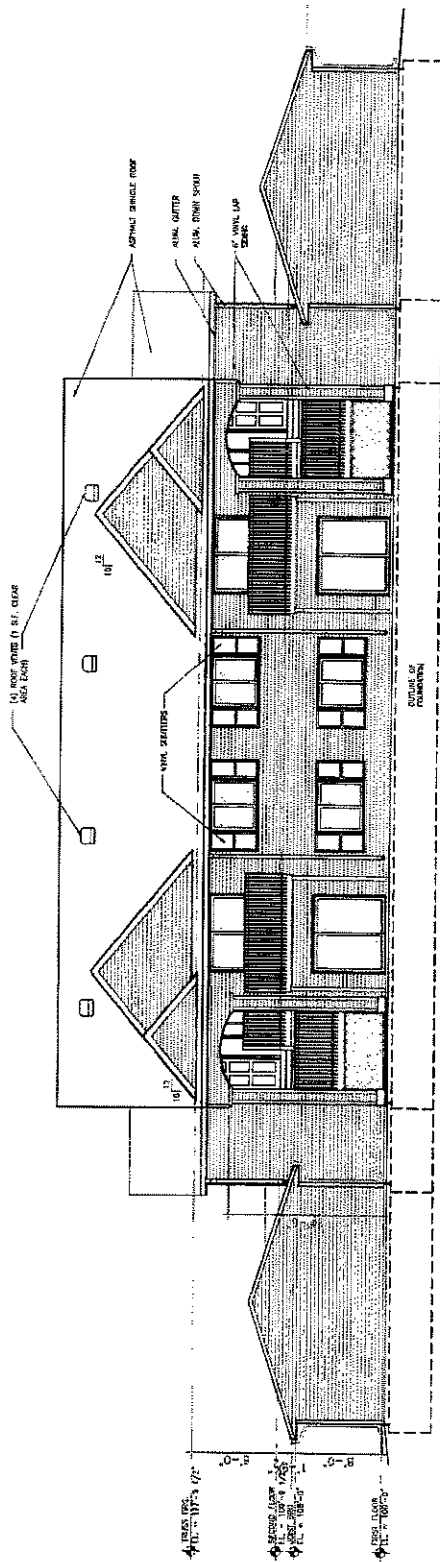


To Solve "In Exact Numbers":

MOORE JUNE
Orchard Plaza
Council Bluffs, Iowa
Dial Land Purchasing LLC.

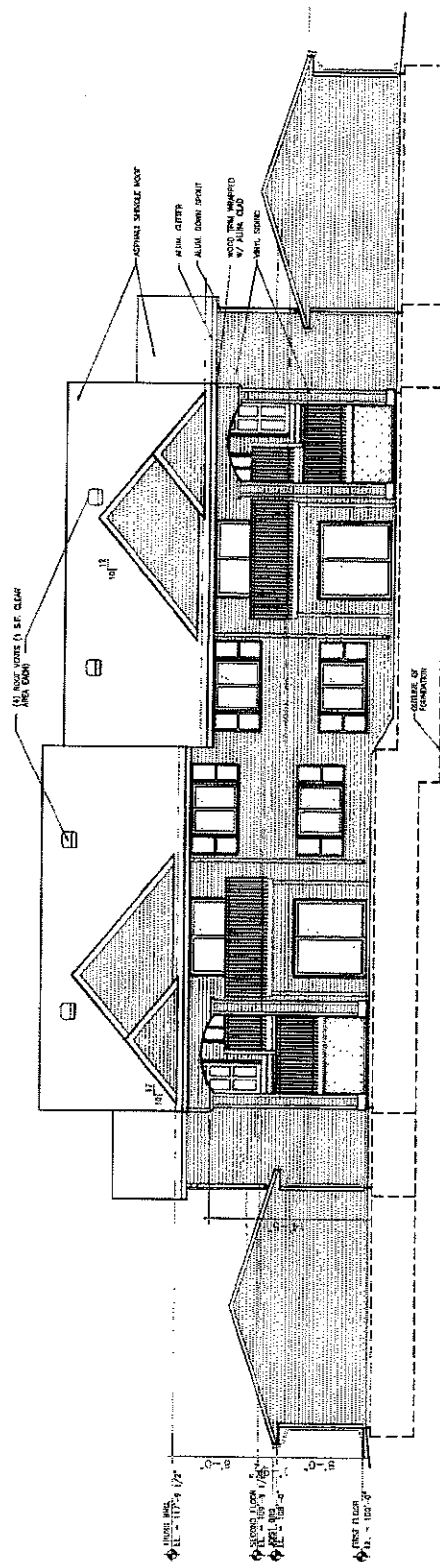
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CONTRACT HOLDER #: P7070178 CONSULTANT #: DRAWN BY: DKP CHECK BY: DKP	SEE TITLE: EXTERIOR ELEVATIONS	SEE TO SHEET: A-1
--	--------------------------------	-------------------



A2 **FRONT ELEVATION**
SCALE: 1/8" = 1'-0"

- NOTES:**
1. ALL DOWNPOUT LOCATIONS TO HAVE FIREBRICK SPLASH BLOCKS.
 2. ALL WINDOWS TO HAVE 1'-10 1/2" x 4" VINYL SILLERS.
 3. EXTERIOR DOORWAYS AS STOPS TO RENT #/ TRASH LINDER.
 4. ENTRY DOORS TO BE (#) PANEL, INSUL. METAL, BOORD.
 5. STAIR DOOR TO BE WAREHED IN ALUM.



A1 **FRONT ELEVATION**
SCALE: 1/8" = 1'-0"

March 31, 2008

Gayle Malmquist
Development Services Coordinator
City of Council Bluffs
209 Pearl Street
Council Bluffs, Iowa 51503

Re: Case #ZC-08-004 Rezoning for Orchard Village
For inclusion in agenda for City Planning Commission Meeting on April 8, 2008

Ms. Malmquist:

This letter is to register our opposition to the proposed Orchard Village subdivision and the commercial space as described in your letter dated March 25, 2008.

The entire parcel of 23 acres is currently zoned as R-3/Low Density Multi-family Residential with a Planned Residential Overlay. The developer wants to rezone 8.5 acres to C-2 Commercial.

By the very definition of C-2 in the municipal codes for Council Bluffs, it states the following intent:

"The C-2 district is intended to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods. ((Ord. 5458 § 2 (part), 1999)."

By the requirements of the C-2 zoning requirement, this proposed commercial development does not meet the stated intent. It adjoins State Orchard Road and Greenview Road; both cannot be considered major traffic corridors by any definition.

The developer describes 12 residential buildings with 8 living units per building, along with a clubhouse and it appears to be a pool on the plat on just 9.4 acres. The following statement of intent for R-3 demonstrates again the developer's non-compliance with the intent of our existing zoning requirements.

The R-3 district is intended and designed for **lower density multifamily residential areas** of the city. This district permits a variety of housing types and is intended for established and developing areas of the city. (Ord. 5307 § 1 (part), 1996).

The high density apartment-like living units in a cluster of buildings with detached garages may be called condominiums by the developer, but doesn't make it so. Does the developer guarantee that each living unit will be 100% owner-occupied? Apartment-like condominiums are more fitting in an urban city setting, not a residential rural setting. This type of housing is not compatible with

the existing surrounding residential neighborhoods. In fact, it would be harmful to the property values of nearby residential homes.

This type of high-density condominium development as proposed by the developer seems to be more fitting of the zoning requirements as listed in the statement of intent for the R-4 code:

The R-4 district is intended to provide for development of high density multiple-family housing. This district allows for a mixture of compatible uses with **high density urban neighborhoods**. This district is most appropriate in central areas of the community or in areas which have full services. (Ord. 5308 § 1 (part), 1996).

We understand that this 23 acre property also has a PR overlay. By the requirements of our municipal code zoning requirement, this proposed development is not compatible with the single-family homes and the rural residential acreages that surround it. The statement of intent for P-R seems quite clear that this proposed residential development is not a good fit for the following statement of intent:

The **Planned Residential overlay** is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone would not be inconsistent with the comprehensive plan **or harmful to the neighborhood in which it is located**. This overlay is intended to:

04. Promote an attractive and safe living environment which is compatible with surrounding residential developments;

There are other reasons for opposition to the Rezoning to C-2 for the Orchard Village Development and the type of high-density residential development that is planned for Lots 3 and 4 as described on the plat.

No additional commercial development is needed. There are already two developed major shopping areas within 10 minutes of this location. The new **Metro Crossing** is less than 10 minutes away and it is just getting started with plenty of vacant space for new businesses in an existing commercially-zoned location. Metro Crossing does adjoin two major thoroughfares – Highway 92 and Interstate 29. There is also a gas station and convenience store on Highway 92 with other commercial space on both sides of that property. It is less than 5 minutes from this proposed development.

The **Mall of the Bluffs** is less than 10 minutes away with adequate shopping for a variety of merchandise, including groceries, banking, etc. There are several vacant store fronts that are boarded up. With the move of J.C. Penney's to the **Marketplace** and Target to follow to Metro Crossing later, our city leaders need to protect the Mall of the Bluffs shopping center from becoming ghost town. It is a gateway to our city as it adjoins a major thoroughfare, Interstate 80. Let's not abandon existing commercial space to develop another shopping center in a remote part of town.

The developer has provided very specific details about the trees that are proposed for the commercial area, including their locations, but NO information on what type of commercial enterprise that will be in the four buildings of over 35,500 square feet. Commercial zoning of C-2 allows a wide range of possibilities, many which are **not suitable** for a residential area. We don't see how this carte blanche approval for rezoning to commercial could be granted on a proposal without these details.

The developer includes Lot 1 as part of the commercial rezoning, but no building details appear on the plat for review. This reiterates the vagueness of this proposed development and further evidence that it is not worthy of the Planning Commission approval.

The new sign for Orchard Village at the corner of State Orchard Road states: "**Outlots for Sale Lease/ Build to Suit**". There are three outlots on the plat. Outlot A borders Greenview Road. Outlots B and C appear to be buffers to State Orchard Road, but that is evidently not the intent of the developer, since they are sale or lease. Outlot C adjoins Lot 4 of the residential development.

It seems that the P-R overlay would allow the developer to expand the commercial development of Outlot C without this disclosure. This developer is not being forthright with the Planning Commission, nor with the residents of the nearby existing neighborhoods. This residential area is highly unsuited for this type of extensive commercial development.

The environmental effects of excavating more than 30 feet of dirt from the upper end of this property to prepare the site are of major concern. By destroying the natural terrain of the land, it is highly likely that the surrounding property will suffer with drainage issues. With the addition of all of this concrete, where is the runoff going to go? It is very likely to be problem for State Orchard Road and the creeks in this rural area. The culvert under Greenview Road will surely be compromised and the impact to the surrounding neighbors will likely be significant.

Has the developer presented independent civil engineering studies that demonstrate the impact of the removal of the moisture-absorbing land and replacing it with acres of concrete? We ask that the Planning Commission ensure these issues are thoroughly addressed and resolved before any type of development is approved for this property to minimize the exposure of risk to our city.

There is typically an embargo every spring on State Orchard Road that prohibits heavy equipment and trucks from using the road. The trucks are rerouted to the nearby existing residential neighborhoods. State Orchard Road is not suitable in its current condition for this type of heavy equipment traffic.

The increased volume of traffic on State Orchard Road and the condition of the road are a major concern. State Orchard Road is merely a blacktop rural road with run off issues every spring. It is **not** a major thoroughfare, nor is Greenview Road as defined by the intent of C-2 zoning.

This proposed development is in a residential rural area with large acreages on State Orchard Road and single family housing areas surrounding it with the exception of the large duplex town homes on Glen Oaks Drive and Golden Oaks Drive. The property across from the proposed shopping center is a horse pasture. **This land is not suitable** for a multi-building shopping center with a

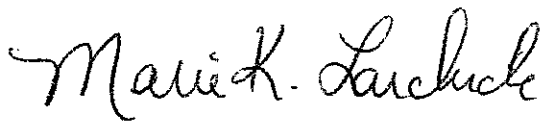
parking lot for 185 cars on 4.7 acres of land. Its development would be harmful to the property values of the residential neighborhoods.

In addition to these comments, we have included signed petitions from over 55 neighbors who also oppose the rezoning of the portion of Orchard Village to C-2 status. This 23 acre parcel of land should remain zoned as R-3 in its entirety. Any approved residential development should add to the value of the surrounding neighborhoods, not do it harm.

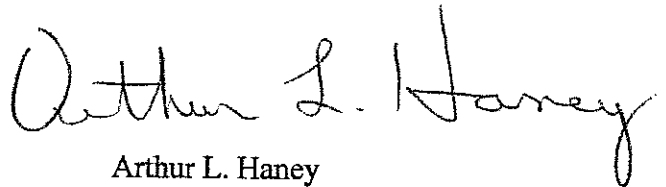
If you are interested in viewing this property from a different vantage point, you are welcome to visit our backyard at 125 Glen Oaks Drive. You will see the beauty of the terrain of this land and the close proximity we are to the property, especially our neighbors as you move up Glen Oaks Drive.

We want to preserve the beauty of the hills of Council Bluffs and we support carefully planned development that allows for space between neighbors. We strongly recommend that our Planning Commission uphold the integrity of the development of our city and adhere to the intent of our zoning requirements.

Thank you for your service to our community and your consideration for our views and opinions.



Marie K. Larchick
125 Glen Oaks Drive
712 323-1099



Arthur L. Haney
125 Glen Oaks Drive
712 323-1099

Petition to Oppose the Rezoning for Orchard Village

Petition summary and background	Dial Land Purchasing LLC is requesting the rezoning of part of 23 acres located along the west side of State Orchard Road and North of Greenview Road. It includes rezoning of 8.5 acres from R-3 Low Density Multi-Family Residential to C-2 Commercial in order to construct approximately 35,5000 square feet of commercial space in 4 buildings on Lots 1 and 2 of the proposed Orchard Village Subdivision.
Action petitioned for	We, the undersigned, are concerned Council Bluffs citizens who urge our leaders to act now to oppose the rezoning of the residential property into this commercial development.

No.	Printed Name	Signature	Street Address	Comment	Date
1	Marie K. Larchick	Marie K. Larchick	125 Glen Oaks Dr		3-29-08
2	Arthur L. Hansen	Arthur L. Hansen	125 Glen Oaks Dr		3-29-08
3	DONNA L WALKER	Donna L Walker	129 Glen Oaks Dr		3-29-08
4	THOMAS K WALKER	Thomas K Walker	129 Glen Oaks Dr		3-29-08
5	MARILYN MOON	Marilyn Moon	131 Glen Oaks Dr		3-29-08
6	Audrey J. Hedlund	Audrey J. Hedlund	135 Glen Oaks Dr		3-29-08
7	Ken Hedlund	Ken Hedlund	135 Glen Oaks Dr		3-29-08
8	Marge Mayard	Marge Mayard	139 Glen Oaks Dr		3-29-08
9	Allen Cohrs	Allen Cohrs	140 Glen Oaks Dr		3-29-08
10	Jen Adravage	Jen Adravage	140 Glen Oaks Dr		3-29-08
11	Barb Reese	Barb Reese	127 Glen Oaks Dr		3-29-08
12	LLOYD REESE	Lloyd Reese	127 Glen Oaks Dr		3-29-08

Petition to Oppose the Rezoning for Orchard Village

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No.	Printed Name	Signature	Street Address	Comment	Date
1	BETTY MILFORD	Betty & Milford	119 Glen Oaks		3/29/08
2	LEPER GRIEDER	Leper Grieder	114 Glen Oaks Dr		3/29/08
3	MADELYN GRIEDER	Marilyn Grieder	114 Glen Oaks Dr		3-29-08
4	CLONDA DUNSE	Clonda Dunse	113 Glen Oaks Dr		3-29-08
5	ROBERT H. PUTMAN	Robert Putman	111 Glen Oaks Dr		3-29-08
6	DENISE PUTMAN	Denise Putman	111 Glen Oaks Dr		3-29-08
7	KATHY HAWKES	Kathy Hawkes	509 GLEN OAKS		3-29-08
8	DIANE DUNN	Diane Dunn	102 Glen Oaks		3-29-08
9	BILL DUNN	Bill Dunn	105 Glen Oaks		3-29-08
10	MARJORIE PHILLIPS	Marjorie Phillips	105 Glen Oaks		3/29/08
11	EUGENE WOELLHOF	Eugene Woellhof	123 GLEN OAKS		3/30/08
12	THELMA WOELLHOF	Thelma Woellhof	123 GLEN OAKS		3/30/08

Petition to Oppose the Rezoning for Orchard Village

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Action petitioned for	We, the undersigned, are concerned Council Bluffs citizens who urge our leaders to act now to oppose the rezoning of the residential property into this commercial development.	

No.	Printed Name	Signature	Street Address	Comment	Date
1	Margaret Lin	Margaret Lin	5186 Golden Oaks Dr.	We need more information	3/29/08
2	R. Griffith	R. Griffith	504 Golden Oaks Dr.	Not enough room	3/29/08
3	Marilyn Windersee	Marilyn Windersee	513 Golden Oaks Drive		3/29/08
4	David Windersee	David Windersee	513 Golden Oaks Dr.		3/29/08
5	Regina Johnson	Regina Johnson	515 Golden Oaks Dr.	I'm not opposed to condos but no retail stores	
6	A. Rolland Johnson	A. Rolland Johnson	515 Golden Oaks Dr.	Opposed to all but Condo's 2 story only	3/29/08
7	THANIE L. McDAWIE JR	THANIE L. McDAWIE JR	20811 H 141 GREENVIEW ROAD	OPPOSED TO ALL	3-30-08
8	Mona E McDaniel	Mona E McDaniel	4141 Greenview Rd	Opposed to all	3-30-08
9	Jay Hughes	Jay Hughes	15779 State Outback Rd.	Opposed	3-30-08
10	Chad Ward	Chad Ward	133 Glen Oaks Dr.		
11	Janice Ward	Janice Ward	133 Glen Oaks Dr.	Opposed	3-30-08
12	George Megard	George Megard	139 Glen Oaks Dr.		3/30/08

Petition to Oppose the Rezoning for Orchard Village

Petition summary and background	Dial Land Purchasing LLC is requesting the rezoning of part of 23 acres located along the west side of State Orchard Road and North of Greenview Road. It includes rezoning of 8.5 acres from R-3 Low Density Multi-Family Residential to C-2 Commercial in order to construct approximately 35,5000 square feet of commercial space in 4 buildings on Lots 1 and 2 of the proposed Orchard Village Subdivision.
Action petitioned for	We, the undersigned, are concerned Council Bluffs citizens who urge our leaders to act now to oppose the rezoning of the residential property into this commercial development.

No.	Printed Name	Signature	Street Address	Comment	Date
1	Karen Gillman	Karen Gillman	143 Glen Oaks		3/30/08
2	Karen Gillman	Karen Gillman	143 Glen Oaks		3/30/08
3	PHIL R. CAVIGLIA	Phil R. Caviglia	134 GLEN OAKS		3/30/08
4	Norena K. Caviglia	Norena K. Caviglia	134 Glen Oaks		3-30-08
5	MARK J. GORDON	Mark J. Gordon	516 GOLDEN OAKS		3-30-08
6	Dorothea Anderson	Dorothea Anderson	507 Golden Oaks		3-30-08
7	Deborah K. Gordon	Deborah K. Gordon	516 Golden Oaks		3-30-08
8	Marquerite E. Miller	Marquerite E. Miller	121 Glen Oaks Dr		3-30-08
9	RAYMOND L. MILLER, JR.	Raymond L. Miller Jr	121 GLEN OAKS DR.		3-30-08
10	ROSEMARY HEININGER	Rosemary Heininger	527 Golden Oaks Dr		3-30-08
11	Florence Rogers	Florence Rogers	512 Golden Oaks Dr		3-30-08
12	Judy K. Williams	Judy K. Williams	136 Glen Oaks Dr		3/30/08

Petition to Oppose the Rezoning for Orchard Village

Petition summary and background	Dial Land Purchasing LLC is requesting the rezoning of part of 23 acres located along the west side of State Orchard Road and North of Greenview Road. It includes rezoning of 8.5 acres from R-3 Low Density Multi-Family Residential to C-2 Commercial in order to construct approximately 35,500 square feet of commercial space in 4 buildings on Lots 1 and 2 of the proposed Orchard Village Subdivision.
Action petitioned for	We, the undersigned, are concerned Council Bluffs citizens who urge our leaders to act now to oppose the rezoning of the residential property into this commercial development.

No.	Printed Name	Signature	Street Address	Comment	Date
1	Joan M. Ferry	<i>Joan M. Ferry</i>	525 Golden Oaks Dr		3-30-08
2	Roderick C. Ferry	<i>Roderick C. Ferry</i>	525 Golden Oaks Dr.		3-30-08
3	DONNA KIRVEY	<i>Donna Kirvey</i>	509 Golden Oaks Dr		3-30-08
4	Sandra Griffith	<i>Sandra Griffith</i>	508 Golden Oaks Dr		3-30-08
5	Victoria E. Janousek	<i>Victoria Janousek</i>	506 Golden Oaks Dr		3-31-08
6	Richard Janousek	<i>Richard Janousek</i>	506 Golden Oaks Dr		3-31-08
7	Donald Tischer	<i>Donald Tischer</i>	529 Golden Oaks Dr		3-31-08
8	Diane Tischer	<i>Diane Tischer</i>	529 Golden Oaks Dr		3-31-08
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11					
12					

56

Gayle Malmquist

From: Kris Chelf [kachelf@cox.net]
Sent: Tuesday, May 06, 2008 8:28 PM
To: Gayle Malmquist
Cc: Patrick McFadden; Rose Brown; Rebecca Sall
Subject: Rezoning Request of field South of Briarwood

Dear Planning Staff,

It has been brought to my attention that Dial Land Purchasing LLC is requesting rezoning of the field on the south side of Briarwood from R-3 / Low Density Multi-Family Residential to C-2 Commercial. I also understand that this company wishes to construct 4 large buildings on the proposed Orchard Village Subdivision and 12 two-story four plexes with a clubhouse.

I'm writing this e-mail to encourage the Council Bluffs Planning Staff and the City Council to please reject this request. This type of environment does **NOT** belong in our neighborhood. My wife and I have lived in Briarwood since 2002 and have thoroughly enjoyed our quiet surroundings. Speaking for the people of Briarwood and the surrounding sub-divisions, I can assure you that we do not want the kind of problems this type of development can bring. For example, increased traffic, additional noise, more trash, a lighted parking lot (no more starry nights), retail parking spaces, not to mention the possibility of increased crime in the area. That is definitely something the people in our neighborhoods do not want.

I strongly urge you to vote **NO** on this proposal. We need to keep our neighborhoods safe and clean for all of the families who bought houses here to escape such an environment as the one being proposed.

Thank you for your attention to this matter.

Sincerely,

Kris A. Chelf
707 Redwood Drive
Council Bluffs, IA 51503

Gayle Malmquist

From: Gayle Malmquist
Sent: Wednesday, May 07, 2008 3:50 PM
To: 'Rita Willmott'
Subject: RE: Rezoning Near Briarwood Development

Rita - Received your comment. I will give a copy to the Planning Commission members next Tuesday. Gayle
Gayle

Gayle M. Malmquist AICP
Development Services Coordinator
City of Council Bluffs
209 Pearl St.
Council Bluffs, IA 51503
Phone 712 328-4631
Fax 712 328-4915
gmalmquist@councilbluffs-ia.gov

From: Rita Willmott [<mailto:rwillmott@cox.net>]
Sent: Wednesday, May 07, 2008 2:08 PM
To: Gayle Malmquist
Subject: Rezoning Near Briarwood Development

Gayle,
I am strongly opposed to the rezoning of the "corner" near the Briarwood Development. My husband and I moved from Omaha to Council Bluffs because of the "countryside-like area". We don't want a 185-stall parking lot behind us, let alone rental property. We understood when we purchased the home that someday there might be homes like ours behind us. We are okay with that; however, we are not okay with anything other than residential property owned by the people that occupy the home.

We certainly don't need a convenience store in the area either. There is one located at the top of the hill on Highway 92. Focus you planning efforts on keeping Mall of the Bluffs a viable shopping area now that JC Penney has moved and Target is going to move. Focus on attracting interesting retail to those locations.

Rita Willmott
Council Bluffs, Iowa 51503
mobile 402-669-9130 | rwillmott@cox.net

Petition to Oppose the Rezoning for Orchard Village

Petition summary and background	Dial Land Purchasing LLC is requesting the rezoning of part of 23 acres located along the west side of State Orchard Road and North of Greenview Road. It includes rezoning of 8.5 acres from R-3 Low Density Multi-Family Residential to C-2 Commercial in order to construct approximately 35,500 square feet of commercial space in 4 buildings on Lots 1 and 2 of the proposed Orchard Village Subdivision.	
Action petitioned for	We, the undersigned, are concerned Council Bluffs citizens who urge our leaders to act now to oppose the rezoning of the residential property into this commercial development.	

No.	Printed Name	Signature	Street Address	Comment	Date
1	Dan & Masudrieh	Daniel R. Ford	513 Redwood Drive		3-31-08
2	Troy Tech	Troy Tech	504 Redwood Dr		3-31-08
3	Judy Whalen	Judy Whalen	505 Redwood Dr.		3-31-08
4	Susan Schaffer	Susan Schaffer	501 Redwood Dr		3-31-08
5	Alicia Alexander	Alicia Alexander	427 Redwood Dr		3-31-08
6	Michael Alexander	Michael Alexander	427 Redwood Dr		3-31-08
7	Glenn Smith	Glenn Smith	615 Redwood Dr		3-31-08
8	Brenda Norris	Brenda Norris	607 Redwood Dr		3/31/08
9	Kristine Norris	Kristine Norris	607 Redwood Dr		3/31/08
10	Russ Norris	Russ Norris	607 Redwood Dr		3/31/08
11	Mary D. Smith	MARY D. SMITH	615 Redwood Dr.		3/31/08
12	Robert Simon	Robert Simon	1601 Tipton Dr		3/31/08

Petition to Oppose the Rezoning for Orchard Village

Petition summary and background	Dial Land Purchasing LLC is requesting the rezoning of part of 23 acres located along the west side of State Orchard Road and North of Greenview Road. It includes rezoning of 8.5 acres from R-3 Low Density Multi-Family Residential to C-2 Commercial in order to construct approximately 35,500 square feet of commercial space in 4 buildings on Lots 1 and 2 of the proposed Orchard Village Subdivision.	
Action petitioned for	We, the undersigned, are concerned Council Bluffs citizens who urge our leaders to act now to oppose the rezoning of the residential property into this commercial development.	

No.	Printed Name	Signature	Street Address	Comment	Date
1	mike mckenzie	<i>[Signature]</i>	1702 T. P. Howard Dr.		5-6-08
2	Tyler O'Brien	<i>[Signature]</i>	729 Redwood Dr.		5-6-08
3	David Thomson	<i>[Signature]</i>	733 Redwood Dr.		5-6-08
4	JOAN M. SULENTIC	<i>[Signature]</i>	137 Glen Oaks Dr.		5-10-08
5	Randy Portney	<i>[Signature]</i>	737 Redwood Dr.		5-11-08
6	Mitch HERRINGTON	<i>[Signature]</i>	734 Redwood Dr.		5-11-08
7	JANE HERRINGTON	<i>[Signature]</i>	734 Redwood Dr.		5-11-08
8	Suzanne Shudak	<i>[Signature]</i>	738 Redwood Dr.		5-11-08
9	Michael Van Riper	<i>[Signature]</i>	730 Redwood Dr.		5-11-08
10	LeAnn Hedrick	<i>[Signature]</i>	724 Redwood Dr.		5-11-08
11	Nancy Diebelin	<i>[Signature]</i>	714 Redwood Dr.		5-11-08
12	Janie S. Herrick	<i>[Signature]</i>	710 Redwood Dr.		5-11-08

No.	Printed Name	Signature	Street Address	Comment	Date
13	KRIS CHELF	Kris Chelf	707 Redwood Drive		4-1-08
14	Rita Willmott	Rita Willmott	707 Redwood Drive	we were told it would be a residential	4-1-08
15	Susan Hooper	Susan Hooper	619 Redwood Dr		4-1-08
16	David Hooper	David Hooper	619 Redwood Dr		4-1-08
17	Annette Sales	Annette Sales	600 Redwood Dr		4-1-08
18	76 Sales for	ANNALES 7/11	11		"
20	DENNIS TECH	Dennis Tech	207 MONROVIA DR		4-2-08
21	M. Barry	M. BARRIER	1750 STATE OF ARK RD.		4-2-08
22	LLOYD REESE	Lloyd Reese	127 GLENDALE DR		5-12-08
23	Barb Reese	Barb Reese	127 Glen Oaks Dr		5-12-08
24	Dan Brown	Danif Brown	616 Redwood Dr	Residential only	5-12-08
25	Kathy Brown	Kathleen L. Brown	616 Redwood Dr	"	5-12-08
26	Richard Fuerst	Richard Fuerst	624 Redwood Dr		5/12/2008
27	Gayle Fuerst	Gayle Fuerst	624 Redwood Dr.	Residential only	5/12/08
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Petition to Oppose the Rezoning for Orchard Village

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Action petitioned for	We, the undersigned, are concerned Council Bluffs citizens who urge our leaders to act now to oppose the rezoning of the residential property into this commercial development.	

No.	Printed Name	Signature	Street Address	Comment	Date
1	Doris L. Gillespie	<i>Doris L. Gillespie</i>	725 Redwood Dr.		5/11/08
2	Gary M. Shudak	<i>Gary M. Shudak</i>	738 Redwood Dr.		5/11/08
3	Randy Thompson	<i>Randy Thompson</i>	1805 Tipton Dr		5-11-08
4	Gloria Thompson	<i>Gloria Thompson</i>	1805 Tipton Dr		5/11/08
5	Thomas G. Campbell Jr	<i>Thomas G. Campbell Jr</i>	1801 Tipton Dr		5/11/08
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Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. _____

A RESOLUTION OF INTENT TO VACATE SOUTH 15TH STREET ABUTTING BLOCKS 4 AND 5, BOTH NORTH/SOUTH ALLEYS IN BLOCK 6 AND SOUTH 17TH STREET ABUTTING THE NORTH 82.5 FEET OF BLOCKS 6 AND 7, ALL IN RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the Community Development Department of the City of Council Bluffs requests vacation of South 15th Street abutting Blocks 4 and 5, both north/south alleys in Block 6 and South 17th Street abutting the North 82.5 feet of Blocks 6 and 7, all in Railroad Addition and located north of 23rd Avenue and south of the Union Pacific Railroad yard; and

WHEREAS, this City Council hereby declares its intent to vacate this City right-of-way.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council hereby declares its intent to retain ownership of the above described City property;
and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to vacate this right-of-way is hereby set for June 23, 2008.

ADOPTED
AND
APPROVED: _____, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith H. Ridgeley, City Clerk

NOTICE OF PUBLIC HEARING
ON PROPOSED REZONING OF PROPERTY

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council for the City of Council Bluffs, Iowa, has scheduled a public hearing on a proposed ordinance to amend the zoning map of the City of Council Bluffs, Iowa, by changing the district designation of certain grounds, property and premises located along the west side of State Orchard Road, north of Greenview Road, and legally described as follows:

Approximately 8.5 acres in the SE ¼ NE ¼ of Section 4-74-43, Council Bluffs,
Pottawattamie County, Iowa,

from its present designation as R-3/Low Density Multi-family Residential with a Planned Residential Overlay to C-2/Commercial as set forth and defined in Chapters 15.10 and 15.15 of Title 15 “Zoning” of the 2005 Municipal Code of Council Bluffs, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 7:00 p.m. on the _____ day of _____, 2008, in the City Council Chambers in the City Hall building, 209 Pearl Street, Council Bluffs, IA 51503, at which time and place all persons interested in said matter will be given an opportunity to be heard.

JUDITH RIDGELEY

City Clerk

Planning Case No. ZC-08-004

Council Communication

Department: Public Works Division: Building Case/Project No.	Ordinance No. <u>6004</u>	First Reading June 9, 2008 Second Reading June 23, 2008 Third Reading request waiver
Subject/Titles		
AN ORDINANCE to repeal Ordinance #5990 and #5991, and to amend the effective date from Ordinances #5984, #5988, and #5989, all passed and approved on April 14, 2008.		
Background/Discussion		
<p>The State Legislature in 2007 passed into law Iowa Code 104C that created state licensing of the Plumbing and Mechanical trades and declared that all plumbing and mechanical licenses issued by any governmental subdivision shall be null and void effective July 1, 2008.</p> <p>On April 14, 2008, the Council passed into law Ordinances 5983 through 5992 and these were published on April 18, 2007, which amended Municipal Code Title 13 in reaction to Iowa Code 104C.</p> <p>On April 21, 2008, the City was notified by the Iowa Department of Public Health that the Governor signed into law HF2390 which stated that local jurisdictions that issue Plumbing & Mechanical licenses on July 1, 2008, are required to continue to issue licenses until June 30, 2009. On July 1, 2009, all local plumbing and mechanical licensing programs are required by the State to become null and void.</p> <p>Therefore because of this recent legislative action by the State of Iowa, this ordinance amends the Municipal Code in amending Municipal Code Title 13 "Buildings & Construction" by repealing Ordinances #5990 and #5991 and amending effective dates of Ordinances #5984, #5988, and #5989.</p>		
Recommendation		
The Public Works Director and the Building Official recommend that the City Council favorably consider these proposed ordinances and pass them into law.		

Building Official's Signature

Public Works Director's Signature

Mayor's Signature

6B

ORDINANCE NO. 6004

AN ORDINANCE to repeal Ordinance Nos. 5990 and 5991, and to amend the effective date for Ordinance Nos. 5984, 5988, and 5989, all passed and approved on April 14, 2008.

WHEREAS, due to a recent change by the Iowa Legislature, local jurisdictions that issue Plumbing and Mechanical licenses must continue to do so until June 30, 2009.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Ordinance Nos. 5990 and 5991 be and the same are hereby repealed in their entirety, as the provisions contained therein are repetitious and better defined in Ordinance No. 5989.

SECTION 2. That the effective dates for Ordinance Nos. 5984, 5988, and 5989, passed and approved on April 14, 2008, be and the same are hereby amended to July 1, 2009.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

First Consideration:

Second Consideration:

Third Consideration:

June 9, 2008